Claims 10, 21 and 24-39 are pending in the present application. Claims 10 and 21 have been amended, and Claims 24-39 have been added, herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 10 and 21 under 35 U.S.C. § 103 as being unpatentable over Kakuta et al. (US 6,243,824) in further view of Yang et al. (US 2004/0059855) in further view of Hrle et al. (US 2004/0260726). This rejection is respectfully traversed.

With respect to Claim 10, such claim recites "suspending the Write I/O operation in a logical volume manager until after the backup operation is completed if it is determined that the backup operation is being performed, wherein Write I/O operations to at least one other logical volume are not suspended during the backup operation, and wherein the Write I/O request is suspended only if the Write I/O request is to a block of data that is subject to the backup operation". As can be seen, the suspension of a Write I/O request only occurs if such Write I/O request is to a block of data that is subject to the backup operation. None of the cited references teach or suggest such a restricted suspension of a Write I/O request, where the request is suspended *only if* the Write I/O request is to a block of data that is subject to the backup operation. The Examiner cites a newly cited reference to Hrle as teaching such claim limitation, in particular Hrle's teaching at Figure 2, element 58 and paragraph 0041, lines 17-30. Applicants urge that this cited passage – and as expressly acknowledged by the Examiner in rejecting Claim 10 – actually teaches a suspension that occurs in *two different scenarios* (and therefore doesn't teach that the request is suspended *only if* the Write I/O request is to a block of data that is subject to the backup operation). First, Hrle teaches that actions that change the external file system's catalog must be temporarily suspended until the backup is finished (paragraph 0041, lines 19-21). These actions that change the external file system's catalog are *not* Write I/O requests to a block of data that is subject to a backup operation (as claimed), but instead are actions for creation, deletion or extension of table/index values (paragraph 0041, lines 21-22) – and thus are not actions pertaining to Write I/Os to blocks of data that are subject to the backup operation. Secondly, in a situation where a single database page spans between two different storage volumes, the page write I/O's are suspended in order to prevent partially written pages to exist on the copied volumes (paragraph 0041, lines 22-30). However – and importantly - in the more general case where a single database page does not span two different storage volumes, the *pages are allowed to be updated in memory, as well as being written to storage during the backup operation* (paragraph 0041, lines 3-9). This ability to continue to *allow pages to continue to be backed up even during a backup operation* is an expressed desire of the Hrle teachings (paragraph 0041, lines 7-9),

and thus a person of ordinary skill in the art would not have been motivated to modify such teachings in accordance with the features of Claim 11 to suspend the Write I/O operation in a logical volume manager until after the backup operation is completed if it is determined that the backup operation is being performed, wherein Write I/O operations to at least one other logical volume are not suspended during the backup operation, and wherein the Write I/O request is suspended *only if* the Write I/O request is to a block of data that is subject to the backup operation, as expressly recited in Claim 10. In any event, Applicants have amended Claim 10 to further emphasize the above distinctions, and therefore it is urged that Claim 10 is not obvious in view of the cited references since the cited reference (1) expressly states a desire to continue to update pages in both memory and the storage device during a backup operation in the more general case (whereas Claim 10 recites "suspending the Write I/O operation in a logical volume manager until after the backup operation is completed if it is determined that the backup operation is being performed"), and (2) there are multiple different scenarios where backup operations are suspended (whereas Claim 10 recites "wherein the Write I/O request is suspended only if the Write I/O request is to a block of data that is subject to the backup operation").

Applicants traverse the rejection of Claim 21 for similar reasons to those given above with respect to Claim 10.

Therefore, the rejection of Claims 10 and 21 under 35 U.S.C. § 103 has been overcome.

II.   New Claims 24-39

Claims 24-39 have been added herewith. Examination of such claims is respectfully requested.

III.   <u>Conclusion</u>

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

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